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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,148	06/24/2002	Kiyokazu Ikeda	SONYJP 3.3-796	9928
530 7590 02/03/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER TESLOVICH, TAMARA				
ART UNIT 2437		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/088,148

Applicant(s)

IKEDA, KIYOKAZU

Examiner

Tamara Teslovich

Art Unit

2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 4, 2008 has been entered.

Claims 3-4 and 6-8 remain cancelled.

Claims 1-2, 5, 9 and 17 are amended.

Claims 1-2, 5, and 9-17 are pending and herein considered.

Response to Arguments

Applicant's arguments, filed December 4, 2008, with respect to the rejection(s) of claim(s) 1-2, 5, and 9-17 under 35 U.S.C. 102(e) in view of United States Patent No. 6,856,820 B1 to Kolls have been fully considered but are not persuasive.

Although Applicant's amendments do in fact avoid a portion of the Examiner's previously set forth 35 USC 112 rejections regarding the use of a gyroscope in particular to determine the current position of the electronic application, Applicant's amendments fail to set out how it is that Applicant's "navigation unit" is able to obtain the current position without the use of GPS waves with nothing more than a gyro and

speed sensor at its disposal. In an attempt to better understand the inner workings of Applicant's invention, the Examiner has retreated into Applicant's specification, namely those portions disclosing Applicant's "navigation" systems and units.

First, the Examiner would like to note Applicant's use of the phrases "navigation unit" "autonomous navigation unit" and "navigation system" somewhat interchangeably. The Examiner would like to begin her discussion by drawing attention to page 16 of the specification wherein a "navigation system 1" and a "main navigation unit 2" are discussed with reference to figure 2. Applicant goes on to discuss this "navigation unit 2" on page 19 specifically in regards to the block diagram showing the internal construction of the main navigation unit 2 (figure 3). Within this description, Applicant explains how it is that the position measuring unit 4 is used to measure the present position of the vehicle, and how it is that GPS reception data may be received and used with such information to obtain longitude and latitude information as position information showing the present position of the vehicle. Applicant goes on in page 21 to discuss the use of that reception data inputted from the GPS antenna 5 along with the movement information (speed pulses and direction of movement information) inputted from the autonomous navigation unit 6 that are all transferred to the position measuring unit 4 where the necessary calculations take place in order to determine the present position of the vehicle. This description introduces yet another "navigation" related element, the "autonomous navigation unit 6." It also provides a glance at the structural relationship between the autonomous navigation unit and its speed sensor and gyroscope and the information collected by the GPS antenna 5 including the way in which the information

from both sources is fed into the position measuring unit 4 in order to determine the exact location of the device. Support may be found throughout Applicant's reference (see pages 22 and 34 in particular) for the determination of the exact location of the device by this "position measuring unit 4," a phrase conspicuously missing from Applicant's claims.

Having gone through the entirety of Applicant's specification it appears to the Examiner that Applicant intends to claim a general navigation unit comprised of a position measuring unit, an autonomous navigation unit and a GPS antenna, wherein the autonomous navigation unit includes a speed sensor and a gyroscope, and wherein the information collected from the autonomous navigation unit is fed into the position measuring unit alongside the GPS information in order to calculate the current position of the device at all times. While the Examiner believes this to be Applicant's invention, her interpretation is based solely upon her reading of the specification and finds no support in Applicant's claims. On the contrary, Applicant's claims call for a receiving device to receive GPS waves in order to calculate the device's location, and a navigation unit comprising a gyro and a speed sensor and inexplicably capable of calculating the position of the device without the use of the radio waves. Unfortunately, the mere existence of a gyro and a speed sensor without some additional information, i.e. the starting location of a device, is insufficient to determine the location of that device. While the Examiner has no intention of unduly limiting Applicant's invention to a particular embodiment without his specification, it is important that Applicant's claims are in fact enabling to one of ordinary skill in the art. Although the claims are interpreted

in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Insofar as Applicant's claims amendments continue to render the claims vague and indefinite, the Examiner has been unable to withdraw her 35 U.S.C. 102(e) rejections of claims 1, 2, 5, and 9-17 in view of Kolls. Those rejections have been included below, in a form to reflect Applicant's amendments.

Furthermore, the Examiner has been forced to interpret Applicant's "a navigation unit to obtain the current position of the respective moving body without the use of the GPS radio waves in which the navigation unit includes a gyro and a speed sensor" as "a navigation unit having means to determine the current position of the respective moving body without the use of the GPS radio waves" in order to render a functional embodiment of Applicant's claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 5, and 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 5, and 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See

MPEP § 2172.01. The omitted structural cooperative relationships are: how a navigation unit including a gyro and a speed sensor may be used to determine the location of Applicant's electronic appliance without the use of GPS or other external information to provide an initial orientation of the device. Independent claims 1, 2, 5, 9, and 17 provides for the use of a gyro and speed sensor to obtain the current position of the respective moving body without the use of the GPS radio waves, but, since the claim does not set forth any steps involved in the method/process or how the gyro and speed sensor information may be used alone to determine the location, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 5 and 9-17 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,856,820 B1 to Kolls.

Regarding **claim 1**, Kolls discloses a service providing system (col.3 line 45 thru col.4 line 20), including, at least, a plurality of electronic appliances, a service server

(Internet based server), a communication network, and an authentication server being connected to the communication network; each electronic appliance (in-vehicle device) being equipped with a wireless communication terminal function, being mounted in a moving body, and being assigned a unique device ID, and the service server (Internet based server) having a function for providing a predetermined service and storing said unique device ID for each electronic appliance to which service can be provided, the service providing system comprising; authentication process means for allowing a communication terminal apparatus (global appliance/internet appliance) to access a respective electronic appliance (in-vehicle device) only when the communication terminal apparatus (global appliance/internet appliance) has been authenticated; registration means for registering said unique device ID assigned to said each electronic appliance and transmission means for using said unique device ID to provide access, via communication network, from the service server (Internet based server) to a specified electronic appliance to which a specified service needs to be provided and transmitting service information, which has a predetermined content for realizing the specified service, to the specified electronic appliance, in which the communication terminal apparatus and the service server can access the electronic appliance only through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which said each electronic appliance includes (i) a receiving device to receive global positioning satellite (GPS) radio waves for determining a current position of the respective moving body (col.2 lines 59-64; col.34 lines 20-35; col.43 line 59 thru col.44 line 10; col.46 lines 11-19), and (ii) a

navigation unit having means to determine the current position of the respective moving body without the use of the GPS radio waves (col.1 lines 19-21 "engine performance data"; col.3 lines 54-56 "vehicle telemetry and metric data can include global positioning system (GPS) data, vehicle operational data, engine performance data, and other vehicle data"; col.6 lines 45-59 "parking proximity sensor" and "further interconnection to a vehicle's control system, engine control system or other vehicle operational point"; col.7 lines 22-64; col.32 lines 11-25 "vehicle monitoring and metering means").

Regarding **claim 2**, Kolls discloses a service providing system (col.3 line 45 thru col.4 line 20), including, at least, a plurality of electronic appliances, a service server (Internet based server), a communication network, and an authentication server being connected to the communication network; each electronic appliance (in-vehicle device) being equipped with a wireless communication terminal function, being mounted in a moving body , and being assigned a unique device ID, and the service server (Internet based server) having a function for providing a predetermined service and storing said unique device ID for each electronic appliance to which service can be provided, the service providing system comprising; authentication process means for allowing a communication terminal apparatus (global appliance/internet appliance) to access a respective electronic appliance (in-vehicle device) only when the communication terminal apparatus (global appliance/internet appliance) has been authenticated; first transmission means for providing access, via said communication network, from one of said electronic appliances to said service server (Internet based server) and transmitting

information which has a predetermined content that can be used by a specified service from said one of said electronic appliances to said service server (Internet based server); and second transmission means for using said unique device ID to provide access, via said communication network, from said service server (Internet based server) to a specified electronic appliance to which a specified service needs to be provided and transmitting service information, which has a predetermined content for realizing the specified service, to the specified electronic appliance only through the authentication server (col.3 line 45 thru col.4 line 20); in which the communication terminal apparatus and the service server can access the electronic appliance only through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which said each electronic appliance includes (i) a receiving device to receive global positioning satellite (GPS) radio waves for determining a current position of the respective moving body (col.2 lines 59-64; col.34 lines 20-35; col.43 line 59 thru col.44 line 10; col.46 lines 11-19), and (ii) a navigation unit having means to determine the current position of the respective moving body without the use of the GPS radio waves (col.1 lines 19-21 "engine performance data"; col.3 lines 54-56 "vehicle telemetry and metric data can include global positioning system (GPS) data, vehicle operational data, engine performance data, and other vehicle data"; col.6 lines 45-59 "parking proximity sensor" and "further interconnection to a vehicle's control system, engine control system or other vehicle operational point"; col.7 lines 22-64; col.32 lines 11-25 "vehicle monitoring and metering means").

Regarding **claim 5**, Kolls discloses a service providing system (col.3 line 45 thru col.4 line 20), composed of an electronic appliance, a communication network, a communication terminal apparatus, and an authentication server, the electronic appliance (in-vehicle device) being one of an electronic appliance that mounted in a moving body and is equipped with a mobile communication terminal function and a mobile communication terminal apparatus (global appliance/internet appliance) with a fixed access path to the communication network and the authentication server being connected to said communication network, the service providing system comprising; access means that enables the communication terminal apparatus (global appliance/internet appliance) to access the electronic appliance via the communication network using a device ID store in a service server that has been assigned uniquely to the electronic appliance, the communication terminal apparatus accessing the electronic appliance only through the authentication server; terminal ID generating means , provided on said communication network, for generating a terminal ID for said communication terminal apparatus using information that identifies said fixed access path by which said communication terminal apparatus accesses said communication network; registration means for registering said unique device ID assigned to each electronic appliance and authentication process means provided in said authentication server, for using said terminal ID to perform an authentication process for said communication terminal apparatus that has accessed the authentication server and allowing said communication terminal apparatus to access said electronic appliance only when the communication terminal apparatus has been authenticated; and

transmission/reception means for receiving and transmitting service information, which has a predetermined content for realizing a specified service, between said communication terminal apparatus that has been authenticated by said authentication process means and said electronic appliance (uniquely identify and transfer information), in which the service server can access the electronic appliance only through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which said each electronic appliance includes (i) a receiving device to receive global positioning satellite (GPS) radio waves for determining a current position of the respective moving body (col.2 lines 59-64; col.34 lines 20-35; col.43 line 59 thru col.44 line 10; col.46 lines 11-19), and (ii) a navigation unit having means to determine the current position of the respective moving body without the use of the GPS radio waves (col.1 lines 19-21 "engine performance data"; col.3 lines 54-56 "vehicle telemetry and metric data can include global positioning system (GPS) data, vehicle operational data, engine performance data, and other vehicle data"; col.6 lines 45-59 "parking proximity sensor" and "further interconnection to a vehicle's control system, engine control system or other vehicle operational point"; col.7 lines 22-64; col.32 lines 11-25 "vehicle monitoring and metering means").

Regarding **claim 9**, Kolls discloses a communication apparatus (col.2 lines 5-65) for controlling communication between a plurality of electronic appliances, each electronic appliance being connected to a network, being provided with a unique device ID for identifying the electronic appliance, and being capable of transmission, the

communication apparatus comprising communication means for communicating with another communication apparatus via said network; storage means for storing group information in which the plurality electronic appliances, which are permitted to communicate between themselves after the communication is authenticated, are registered as a group; authentication process means for allowing a communication terminal apparatus (global appliance/internet appliance) to access the electronic appliance (in-vehicle device) only when the communication terminal apparatus (global appliance/internet appliance) has been authenticated; registration means for registering said unique device ID assigned to each electronic appliance; a service server operable to provide service information to one or more of the electronic appliances; and judgment means for judging, based on unique device IDs transmitted via the network before communication commences between said plurality electronic appliances and group information stored in said storage means, whether the communication is permitted; control means for having said communication means transmit a result judgment means to an exchange apparatus that is connected to said network and performs an exchange process for communication between electronic appliances based on the transmitted unique device IDs, in which the respective device and the service server can access the respective electronic appliance or appliances only through the authentication server (uniquely identify and transfer information) (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which said each electronic appliance is mountable in a moving vehicle and includes (i) a receiving device to receive global positioning satellite (GPS) radio waves for determining a current position of the

respective moving body (col.2 lines 59-64; col.34 lines 20-35; col.43 line 59 thru col.44 line 10; col.46 lines 11-19), and (ii) a navigation unit having means to determine the current position of the respective moving body without the use of the GPS radio waves (col.1 lines 19-21 "engine performance data"; col.3 lines 54-56 "vehicle telemetry and metric data can include global positioning system (GPS) data, vehicle operational data, engine performance data, and other vehicle data"; col.6 lines 45-59 "parking proximity sensor" and "further interconnection to a vehicle's control system, engine control system or other vehicle operational point"; col.7 lines 22-64; col.32 lines 11-25 "vehicle monitoring and metering means").

Regarding **claim 10**, Kolls discloses wherein a wireless communication is performed between said electronic appliances and the exchange apparatus (col.3 line 45 thru col.4 line 20).

Regarding **claim 11**, Kolls discloses wherein said electronic appliances are navigation apparatuses (col.3 line 45 thru col.4 line 20).

Regarding **claim 12**, Kolls discloses wherein one or more of said electronic appliances are mobile telephones (col.3 line 45 thru col.4 line 20).

Regarding **claim 13**, Kolls discloses wherein each of said electronic appliances is connected to said communication means in said exchange apparatus, and when

communicating, each of said electronic appliances transmits said unique device ID to said communication apparatus, said exchange apparatus transmits a communication means ID for specifying said communication means to said communication apparatus, said communication apparatus authenticates said electronic appliance based on said group information, by referring combination of said transmitted unique device ID and said transmitted communication means ID (col.1 lines 40-48, col.5 lines 42-63).

Regarding **claim 14**, Kolls discloses wherein the group information is generated when an electronic appliance communicates with the communication apparatus via the network (col.3 line 45 thru col.4 line 20).

Regarding **claim 15**, Kolls discloses wherein the group information also includes content data that can used by the electronic appliances which are registered in the group information (col.3 line 45 thru col.4 line 20).

Regarding **claim 16**, Kolls discloses wherein the content data is geographical information (col.3 line 45 thru col.4 line 20).

Regarding **claim 17**, Kolls discloses a service providing system operable within the Internet, said system comprising a navigation unit mountable in a vehicle and operable to provide navigational and positional information of the vehicle to an operator of the vehicle, said navigation unit being assigned a unique identification ID (col.32 line

49 through col.33. line 34); a service server operable to provide a predetermined service and to store said unique ID for said navigation unit to which service can be provided (col.34 lines 36-62; col.35 lines 1-15); a communication network connectable to the Internet (col.34 lines 19-43); an authentication server operable to determine if access to the navigation unit is permissible (col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23); and a communication terminal apparatus connectable to the navigation unit and the communication network and operable to enable information to be supplied to the navigation unit from the Internet by way of the communication network and to enable service information to be supplied to the navigation unit by use of said unique ID from the service server by way of the Internet and the communication network (col.34 lines 36-62; col.35 lines 1-15), in which the communication terminal apparatus and the service server can access the navigation unit only through the authentication server (col.3 line 45 thru col.4 line 20; col.14 lines 11-49; col.26 lines 65-67; col.55 lines 4-23), and in which the navigation unit includes (i) a receiving device to receive global positioning satellite (GPS) radio waves for determining a current position of the respective moving body (col.2 lines 59-64; col.34 lines 20-35; col.43 line 59 thru col.44 line 10; col.46 lines 11-19), and (ii) a navigation unit having means to determine the current position of the respective moving body without the use of the GPS radio waves (col.1 lines 19-21 "engine performance data"; col.3 lines 54-56 "vehicle telemetry and metric data can include global positioning system (GPS) data, vehicle operational data, engine performance data, and other vehicle data"; col.6 lines 45-59 "parking proximity sensor" and "further interconnection to a vehicle's control system, engine

control system or other vehicle operational point"; col.7 lines 22-64; col.32 lines 11-25
"vehicle monitoring and metering means").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/

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Examiner, Art Unit 2437

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437